

# **Exhibit 61**

STATE OF TEXAS, ET AL. vs. UNITED STATES OF AMERICA, ET AL.  
Jose Magana-Salgado on 06/15/2018

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE SOUTHERN DISTRICT OF TEXAS  
3                   BROWNSVILLE DIVISION  
4   -----X  
5   STATE OF TEXAS, et al.,                   :  
6                   Plaintiffs,                   :  
7   vs.   : Case No. 1:18-CV-68  
8   UNITED STATES OF AMERICA                   :  
9   et al.,   :  
10   and   :  
11   KARLA PEREZ, MARIA ROCHA,                   :  
12   JOSE MAGANA-SALGADO, et al.,                   :  
13   Proposed Defendant-Intervenors.:  
14   -----X  
15   Washington, D.C.  
16   Friday, June 15, 2018  
17                   \* CONTAINS CONFIDENTIAL PORTIONS \*  
18                   Deposition of JOSE MAGANA-SALGADO, a witness  
19   herein, called for examination by counsel for  
20   Plaintiff States in the above-entitled matter,  
21   pursuant to notice, the witness being duly sworn by  
22   MICHELE E. EDDY, RPR, CRR, and Notary Public in and  
23   for the District of Columbia, taken at the offices of  
24   MALDEF, 1016 16th Street, Northwest, Suite 100,  
25   Washington, D.C., at 9:09 a.m.

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1 A P P E A R A N C E S

2

3 ON BEHALF OF THE PLAINTIFF STATES:

4 ADAM ARTHUR BIGGS, ESQUIRE

5 Attorney General Ken Paxton

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7 Austin, Texas 78711

8 (512) 936-0750

9 adam.biggs@oag.texas.gov

10

11 ON BEHALF OF THE PLAINTIFFS:

12 ALEJANDRA AVILA, ESQUIRE

13 MALDEF

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18 AND

19 BURTH G. LOPEZ, ESQUIRE

20 MALDEF

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22 Suite 100

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24 (202) 293-2828

25 blopez@maldef.org

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1 ATTENDANCE, Continued

2

3 ON BEHALF OF THE FEDERAL DEFENDANTS:

4 JEFFREY S. ROBINS, ESQUIRE

5 U.S. Department of Justice, Civil Division

6 Office of Immigration Litigation

7 District Court Section

8 P.O. Box 868

9 Washington, D.C. 20044

10 Jeffrey.Robins@usdoj.gov

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12 ON BEHALF OF THE DEFENDANT-INTERVENORS:

13 NINA PERALES, ESQUIRE (via teleconference)

14 Mexican American Legal Defense and

15 Educational Fund

16 110 Broadway, Suite 300

17 San Antonio, Texas 78205

18 (210) 224-5476

19 nperales@maldef.org

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1 ATTENDANCE, Continued:

2

3 ON BEHALF OF THE OFFICE OF THE ATTORNEY GENERAL OF NEW  
4 JERSEY:

5 PAUL JUZDAN, ESQUIRE (via teleconference)

6 New Jersey Attorney General Office

7 Division of Law

8 124 Halsey Street

9 Newark, New Jersey 07101

10 (973) 648-3183

11 paul.juzdan@law.njoag.gov

12

13 ALSO PRESENT:

14 Raul Medina, intern

15 Alysa Williams, intern

16 Andrew James Salinas

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1 Q Currently does the DACA program provide  
2 a roadmap to citizenship?

3 MS. AVILA: Objection. Legal  
4 conclusion.

5 Q You can answer.

6 A Deferred action under Deferred Action  
7 for Childhood Arrivals does not independently  
8 create a path to lawful permanent resident status.

9 Q Does the DACA program, in conjunction  
10 with other provisions in the immigration laws of  
11 the United States, provide that pathway to  
12 citizenship?

13 MS. AVILA: Objection. Calls for a  
14 legal conclusion.

15 A Can you be more specific about which  
16 provisions?

17 Q Sure.

18 Do you know what advanced parole is?

19 A I sure do.

20 Q What is advanced parole?

21 MS. AVILA: Objection. Calls for a  
22 legal conclusion.

23 A Advanced parole is a request from a  
24 noncitizen to obtain approval from the federal  
25 government to be able to be paroled back into the

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1 country after their departure.

2 Q And an individual that has DACA status,  
3 are they allowed to apply for advanced parole?

4 MS. AVILA: Objection. Calls for a  
5 legal conclusion.

6 A Currently they are not.

7 Q Previously, are you aware if DACA  
8 recipients were allowed to apply for advanced  
9 parole?

10 MS. AVILA: Objection. Calls for a  
11 legal conclusion.

12 A Can you give me a time frame.

13 Q Let's say during the Obama presidency.

14 A Yes.

15 Q Did you ever apply for advanced parole  
16 during the Obama presidency?

17 MS. AVILA: I think for this set of  
18 questions that pertain to Mr. Magana's advanced  
19 parole and method of entry and all of these lines  
20 of questions, we would like to designate the  
21 transcript confidential. I understand that Nina  
22 had a conversation with Todd about topics that  
23 were sensitive to our clients, and if we have to  
24 do this off the record, we have to do this off the  
25 record, but we would like to designate this

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1 (CONFIDENTIAL PORTION STARTS HERE)

2 BY MR. BIGGS:

3 Q So let me back up. Sir, have you ever  
4 applied for advanced parole?

5 A Yes.

6 Q When did you apply for advanced parole?

7 A 2015 and 2016.

8 Q In 2015, were you granted advanced  
9 parole?

10 A Yes.

11 Q In 2016, were you granted advanced  
12 parole?

13 A Yes.

14 Q What was the purpose of requesting  
15 advanced parole in 2015?

16 A Employment purposes.

17 Q What specifically?

18 A To interview deported Mexican nationals  
19 about their experiences.

20 Q When specifically did you interview  
21 deported Mexican nationals about their  
22 experiences?

23 A December of 2015.

24 Q Where did that interview --

25 MS. PERALES: This is Nina calling in.



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1 for MALDEF, did you receive a W-2?

2 A Yes.

3 Q During that time you worked for MALDEF,  
4 did you have a Social Security number?

5 A Yes.

6 Q When were you provided a Social Security  
7 number?

8 A Approximately the end of 2012.

9 Q What caused you to receive that Social  
10 Security number from the federal government?

11 A I applied for the Social Security number  
12 from the federal government.

13 Q If you had not received deferred action,  
14 would you have been qualified to apply for the  
15 Social Security number with the federal  
16 government?

17 MS. AVILA: Objection. Calls for a  
18 legal conclusion.

19 MR. BIGGS: I need to -- can you read  
20 the question back and then object so it's clean.

21 (Record read.)

22 MS. AVILA: Objection. Calls for a  
23 legal conclusion.

24 A I was able to apply for the Social  
25 Security number incident to my DACA status.

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1 Q What about your DACA status allowed you  
2 to apply?

3 MS. AVILA: Objection. Calls for a  
4 legal conclusion.

5 A The Social Security Administration was  
6 adjudicating applications for Social Security  
7 numbers for individuals who held deferred action,  
8 including Deferred Action for Childhood Arrivals.

9 Q Do you know what the significance of  
10 having a Social Security number is?

11 MS. AVILA: Objection. Vague.

12 A Could you clarify, please?

13 Q Why did you apply for a Social Security  
14 number?

15 A So I could contribute to the Social  
16 Security and Medicare trust funds through my  
17 employment and establish a credit history.

18 Q Did you apply for it to also be able to  
19 potentially in the future draw from those trust  
20 funds?

21 A That was not my intention when I  
22 applied.

23 Q But would you agree that having a Social  
24 Security number allows you in the future to  
25 potentially draw from those trust funds?

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1           A     If I meet the statutory requirements of  
2     contributing a sufficient amount of quarters,  
3     under the law I may be eligible to withdraw in the  
4     future.

5           Q     All right. During that year and a half  
6     or approximately when you worked for MALDEF --  
7     actually, withdrawn.

8                     Where did you work next?

9           A     I worked at the Immigrant Legal Resource  
10    Center.

11          Q     What is that?

12          A     That is a nonprofit that focuses on  
13    immigration advocacy and policy.

14          Q     Is the job you did for the immigration  
15    law -- sorry, what was it again?

16          A     The Immigrant Legal Resource Center.

17          Q     The work you did for MALDEF, was it  
18    different from the work you did for that  
19    organization?

20          A     It was similar.

21          Q     When were you hired by that institution?

22          A     Approximately 2015.

23          Q     How long did you work for that  
24    institution?

25          A     Approximately two years.

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1 CERTIFICATE OF SHORTHAND REPORTER

2

3 I, Michele E. Eddy, Registered Professional  
4 Reporter and Certified Realtime Reporter, the court  
5 reporter before whom the foregoing deposition was  
6 taken, do hereby certify that the foregoing transcript  
7 is a true and correct record of the testimony given;  
8 that said testimony was taken by me stenographically  
9 and thereafter reduced to typewriting under my  
10 supervision; and that I am neither counsel for,  
11 related to, nor employed by any of the parties to this  
12 case and have no interest, financial or otherwise, in  
13 its outcome.

14

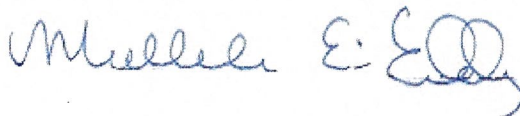
15 IN WITNESS WHEREOF, I have hereunto set my  
16 hand and affixed my notarial seal this 20th day of  
17 June, 2018.

18

19 My commission expires July 14, 2022

20

21



22

23 MICHELE E. EDDY

24 NOTARY PUBLIC IN AND FOR

25 THE DISTRICT OF COLUMBIA